IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1174 (SS) OF 2001

(Old No. 40511/93)

Kishan Singh, son of Sri Dalip Singh, resident of C/o Sri Anand Singh Negi, Room No. 20, Canal Colony, Sichain Khand Rudrapur, Nainital, at present posted as Seenchpal, IV Sub-Divisions Sinchai Division, Irrigation Kashipur, District Nainital. .....Petitioner.

Versus

1. The Superintending Engineer, Sinchai Karya Mandal, Nainital.
2. The Executive Engineer, Sinchai Division, Kashipur, District Nainital. .....Respondents.

Mr. R. Asthana, Advocate for the petitioner.
Learned Standing Counsel for the State.

Dated:22.02.2006

Hon'ble Rajesh Tanton, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the orders dated 01.11.1993 (Annexure – VI) and 04.11.1993 (Annexure – VII).

2. Brief facts giving rise to the present writ petition are that the petitioner was selected/appointed on the post of Seenchpal along with 21 others and on 11.12.1986, the office memorandum was issued by the respondent no. 1 ion this regard.

3. The name of the petitioner finds place at Serial No. 6 and thus it is evident that he is senior to those persons whose names find place at Serial No. 7 to 22 and this letter does not show that the selection/appointment was not on permanent basis.

4. Vide office memorandum dated 11.12.1986, the respondent no. 2 intimated the petitioner that he had been selected for training without pay.

5. Thereafter on 29.05.1987, under orders of the respondent no. 2 the petitioner was appointed as Seenchpal after completion of training.

6. A perusal of the appointment order shows that although it was a temporary employment, but from time to time, the service period was extended and ultimately the stay order was granted by the Allahabad High Court by which he was directed to hand over the charge on 1st November, 1993 and 4th November, 1993.

7. The aforesaid stay order is in existence till today, but the petitioner has expired during the pendency of the writ petition.

8. The writ petition, therefore, has already become infructuous after the death of the petitioner.

9. The writ petition, therefore, is dismissed as infructuous.

(Rajesh Tandon, J.)

22.02.2006
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